

Article 4: City Employees' Retirement System

Division 7: Death Benefits

*(“Management of Funds” incorp 1–22–1952 by O–5046 N.S.,
contained in O–10792 O.S. adopted 11–29–1926;
repealed 10–25–1962 by O–8744 N.S.)
 (“Death Benefits” added 10–25–1962 by O–8744 N.S.)*

§24.0701 Death Benefits

This system is liable for one and only one of the following: the basic death benefit, the death while eligible benefit, the special death benefit, or the modified special death benefit upon the death of a member or a safety member

- (a) While in City service, before the effective date of his retirement, or with respect to
 - (1) Any member, including a safety member, whose retirement was not compulsory under this ordinance, and
 - (2) Any member, including a safety member, who has not elected Optional Settlements 2, 3 or 4 under this ordinance, after such effective date and before his retirement is approved; or
- (b) While absent on Military service, and who makes contributions, or for whom contributions will be made under this ordinance; or
- (c) Within four months after discontinuance of City service because of abolishment of position; or
- (d) While physically or mentally incapacitated for the performance of his duty, if such incapacity has been continuous from discontinuance of City service.

Upon the death of a member, including a safety member, while in City service before the effective date of his retirement, or with respect to

- (1) Any member, including a safety member, whose retirement was not compulsory; and
- (2) Any member, who has not elected Optional Settlements 2, 3 or 4 under this ordinance, after such effective date and before his retirement is

approved, under circumstances in which this system is not so liable for either the basic or special death benefit, this system is liable for a limited death benefit which consists only of the accumulated contributions of the member with interest payable to his beneficiary or his estate, as determined by the Board.

(Amended 7-6-1965 by O-9247 N.S.; effective 7-1-1966.)

§24.0703 Basic Death Benefit

The basic death benefit is payable in all cases where the Retirement System is liable under Section 24.0701 for the basic death benefit, or the special death benefit, or the death while eligible benefit, or the modified special death benefit and none of the latter three benefits is payable.

The basic death benefit shall consist of:

- (a) The accumulated contributions, including additional accumulated contributions, of the member, with interest as determined by the Board.
- (b) An amount, provided from contributions by the City equal to one-twelfth of the annual compensation earnable by the deceased during the 12 months immediately preceding death, multiplied by the number of completed years of service for which the deceased receives credit as a member of the system, but not to exceed one-half of such compensation.

(Amended 12-8-1976 by O-11964 N.S.)

§24.0704 Basic Death Benefit Payment Options

- (a) A member, including a safety member, may elect by a writing filed with the Board to have all or part of the basic death benefit paid in accordance with either of the following sub-sections:
 - (1) In monthly installments, fixed in number or amount and not involving life contingency, subject to such rules as the Board may adopt. Regular interest shall be credited on the unpaid balance of benefits payable.
 - (2) In equal monthly installments for the life of the beneficiary, with 120 installments certain.
- (b) If a member, including a safety member, dies without having made an election under subdivision (a) of this section, his beneficiary, after the death of the member, including a safety member, and prior to the payment to him of the

basic death benefit, or any part thereof, may elect by a writing filed with the Board to have the basic death benefit paid to him in the manner provided in sub-section 1 of subdivision (a) of this section.

- (c) When an election has been made to have all or part of the basic death benefit paid in accordance with sub-section (2) of subdivision (a) of this section, the first of such installments shall be paid on the first day of the month next following the date when the basic death benefit would otherwise be payable, and one of such installments shall be paid on the first day of each month thereafter. Such monthly installments shall be the actuarial equivalent of the amount of the basic death benefit to be paid in installments on the date that such basic death benefit would otherwise be payable.

No installment shall be commuted and paid in one sum unless the death of the beneficiary occurs during the period certain for which payments of the monthly installments are guaranteed; and in that event only payments due monthly during the remainder of the period certain shall be commuted, and such commutation shall be based on the rate of interest then being used under the Retirement System, and the commuted value shall be paid to the estate of the beneficiary, unless a contingent beneficiary has been named and qualifies to receive the balance of the guaranteed installments.

The Board may provide that any election by a member or by a beneficiary under the provisions of this section is void if the amount of the monthly installment is less than the minimum amount fixed by the Board.

(“Basic Death Benefit Payment Options” added 12-8-1976 by O-11964 N.S.)

§24.0704.1 Death While Eligible Benefit

A death while eligible benefit is payable, as an option in lieu of the basic death benefit, if the deceased was an active general or safety member, if the member’s death occurs after he/she is eligible but prior to retirement, and if there is a spouse or child who qualifies under the provisions of the following section.

(“Death While Eligible Benefit” added 12-8-1976 by O-11964 N.S.)

§24.0704.2 Death While Eligible Benefit — Computation

The death while eligible benefit consists of:

- (a) An amount equal to and derived from the same source as the basic death benefit; and

- (b) An amount sufficient, when added to the amount equal to the basic death benefit, to provide a monthly allowance equal to one-half of the maximum monthly amount that would have been paid to the deceased member had the member retired on the day of his/her death, payable to the surviving spouse if he/she is the named beneficiary and to whom the deceased member was married prior to sustaining the injury or disease resulting in death as long as he/she lives; or if there is no surviving spouse or if the surviving spouse dies before all children of the deceased member attain age 18, to the deceased member's children under 18 collectively as beneficiaries until every child dies or attains age 18.
- (c) An annuity which is the actuarial equivalent, assuming monthly payments for life to the surviving spouse, of the deceased's accumulated additional contributions at the date of the member's death. In the event that there is no surviving spouse, but there are minor dependent children eligible for the death while eligible benefit, the deceased member's accumulated additional contributions at the date of his/her death will be payable to the minor dependent children, as named beneficiaries, in a lump sum, share and share alike.

("Death While Eligible Benefit — Computation" added 12-8-1976 by O-11964 N.S.)

§24.0704.3 Death While Eligible Benefit — Final Payment on Death of Beneficiary

If payment of the death while eligible benefit is stopped because of the death of the surviving spouse or attainment of the age of 18 years by all dependent children, before the sum of the monthly payments made, exclusive of the annuity derived from the accumulated additional contributions of the deceased, equals the basic death benefit, a lump sum equal to the difference shall be paid to the surviving children of the deceased member, if any, share and share alike, and if there are no children, then in accordance with the provisions of Sections 24.0711 through 24.0714.

(Amended 12-8-1976 by O-11964 N.S.)

§24.0704.4 Death While Eligible Benefit — Election Made by Member Prior to Death

A member, including a safety member, whose surviving spouse or minor dependent children would be eligible for the death while eligible benefit in the event of the member's death, may elect, by a written notice filed with the Board, the death while eligible benefit for his/her spouse, or if the member has no spouse, for his/her minor dependent children. In such an event, and should the member die while in active service and prior to retirement, the death while eligible benefit shall be paid in accordance with the deceased member's election in lieu of the basic death benefit.

(Amended 12-8-1976 by O-11964 N.S.)

§24.0705 Special Death Benefit — Safety Member

A special death benefit is payable if the deceased was a safety member, if his death was industrial, as determined by the Industrial Accident Commission, using the same procedure as in workmen's compensation hearing, and if there is a wife or child who qualifies under subdivision (b) of the following section.

(“Special Death Benefit — Safety Member” added 12-8-1976 by O-11964 N.S.)

§24.0706 Special Death Benefit — Safety Member — Computation

The special death benefit for Safety Members consists of:

- (a) An amount equal to and derived from the same source as the basic death benefit: and
- (b) An amount sufficient, when added to the amount equal to the basic death benefit, exclusive of the Annuity provided by the deceased's Accumulated Contributions, to provide, when applied according to tables adopted by the Board, a monthly death allowance equal to one-half of Final Compensation, payable to: (1) the surviving spouse as the named beneficiary and to whom the Member was married prior to sustaining the injury or disease resulting in death as long as the surviving spouse lives; or, (2) the Member's children under 18 collectively as beneficiaries until every child dies or attains 18, if there is no surviving spouse as beneficiary, or if the spouse dies before all children of the deceased Member attain age 18.
- (c) An annuity which is the actuarial equivalent, assuming monthly payments for life to the surviving wife, of the deceased's accumulated additional contributions at the date of his death.

(Amended 2-25-1997 by O-18383 N.S.)

§24.0707 Effective Date of Special Death Benefit, Modified Special Death Benefit, and Death While Eligible Benefit

The special death benefit, the modified special death benefit, and the death while eligible benefit shall begin to accrue on the day next following the date of the member's, including safety member's, death, and shall be paid in monthly installments to the surviving eligible spouse or children as prescribed in this article.

(“Effective Date of Special Death Benefit, Modified Special Death Benefit, and Death While Eligible Benefit” added 12-8-1976 by O-11964 N.S.)

§24.0708 Basic Death Benefit Paid to Designated Beneficiary or Estate

The basic death benefit or the limited death benefit shall be paid as provided in this ordinance to the beneficiary designated by the member, or if no beneficiary has been so designated, to the estate of the member.

(“Basic Death Benefit Paid to Designated Beneficiary or Estate” added 12-8-1976 by O-11964 N.S.)

§24.0709 Special Death Benefit — Payment to Surviving Minor Children

If payment of the special death benefit is stopped because a child attains the age of 18 and the payment is stopped before the sum of the monthly payment equals the basic death benefit (exclusive of the Annuity derived from the Accumulated Additional Contributions of the deceased), then a lump sum equal to the difference shall be paid to the surviving children of the deceased Member, share and share alike. In such event, the Accumulated Additional Contributions of the deceased, as they were at his death, less the Annuity paid as derived from such contributions, and plus interest credited to the Accumulated Additional Contributions, shall be paid in the manner provide in this Section.

(Retitled to “Special Death Benefit—Payment to Surviving Minor Children” and amended 2-25-1997 by O-18383 N.S.)

§24.0710 Industrial Death Benefit

In the absence of an application to the Industrial Accident Commission, filed by a proper party, the Board shall proceed with the payment of the basic death benefit. If an application is filed with the Industrial Accident Commission and the Commission determines that the death was industrial, an amount equal to the basic death benefits paid, if any, shall be deducted from the special death benefit, in accordance with rules adopted by the Board.

(“Industrial Death Benefit” added 12-8-1976 by O-11964 N.S.)

§24.0710.1 Modified Special Death Benefit — General Member

A modified special death benefit is payable as an option in lieu of the basic death benefit or the death while eligible benefit, if applicable, if the deceased was a general member, if his death was industrial as determined by the Board, and if there is a wife or child who qualifies under the provisions of the following section.

(“Modified Special Death Benefit — General Member” added 12-8-1976 by O-11964 N.S.)

§24.0710.2 Modified Special Death Benefit — General Member — Computation

The modified special death benefit for General Members consists of:

- (a) An amount equal to and derived from the deceased member's normal contributions; and
- (b) An amount derived from the combination of Undistributed Earnings of the Retirement Fund and the deceased Member's Normal Contribution and any primary Social Security benefits which are payable, to provide a monthly death allowance equal to one-half of Final Compensation, payable to: (1) the surviving spouse as the named beneficiary and to whom the Member was married prior to sustaining the injury or disease resulting in death as long as the surviving spouse lives; or, (2) if there is no surviving spouse as beneficiary, or if such spouse dies before all children of the deceased Member attain age 18, to the Member's children under 18 collectively as beneficiaries until every child dies or attains 18.

(Amended 2-25-1997 by O-18383 N.S.)

§24.0710.3 Modified Special Death Benefit — Payment of Accumulated Additional Contributions

The deceased member's accumulated additional contributions at the date of his death will be payable in a lump sum to the designated beneficiary and will not be part of nor added to the modified special death benefit.

(“Modified Special Death Benefit — Payment of Accumulated Additional Contributions” added 12-8-1976 by O-11964 N.S.)

§24.0711 Beneficiary Not Designated

If a beneficiary is not designated, or if the estate is the beneficiary and the estate would not be probated if no amount were due from this system, all of the amount due by reason of the death of a member or retired member, including a safety member or retired safety member, including retirement allowances accrued but not received prior to death, shall be paid directly without probate to the surviving next of kin of the deceased, or the guardians of such survivors' estates, share and share alike. Such payment shall be made in the same order in which the following groups are listed:

- (a) Husband or wife,
- (b) Children,

- (c) Father and mother,
- (d) Grandchildren,
- (e) Brothers and sisters,
- (f) Nieces and nephews.

(“Beneficiary Not Designated” added 12–8–1976 by O–11964 N.S.)

§24.0712 Beneficiary not Designated — Affidavit Required

No payment shall be made to persons included in any group if at the date of payment there are living persons in any of the groups preceding it, as listed. Payment to the persons in any group, upon receipt from them of an affidavit upon a form supplied by the Board, that there are no living individuals in the groups preceding it and that the estate of the deceased will not be probated, is in full discharge of the Board and system on account of the death.

(“Beneficiary not Designated — Affidavit Required” added 12–8–1976 by O–11964 N.S.)

§24.0713 Absence of Beneficiary — Payment to Funeral Director

If the estate of the deceased member, or a safety member, is his beneficiary, or if no beneficiary has been designated by him, or if the designated beneficiary cannot be found by the Board, it may in its discretion pay to the funeral director who conducted the funeral, or to any person or organization that has paid the funeral director from his or the organization’s funds, all or a portion of any amount payable under this system, but not more than the expenses of the funeral or the portions of such expenses paid by the person or organization, as evidenced by the sworn itemized statement of the funeral director and by such other documents as the Board may require. Payment so made is a full discharge of the Board and system for the amount so paid.

(“Absence of Beneficiary — Payment to Funeral Director” added 12–8–1976 by O–11964 N.S.)

§24.0714 Uniform Simultaneous Death Act

The provisions of any law of this state providing for the distribution of estates under the Uniform Simultaneous Death Act, when applicable, shall govern the distribution of money payable under this system, including but not limited to retirement allowance accrued but not received prior to death and refund of member contributions. In applying said act with respect to benefits payable to a beneficiary, membership in the

system shall be construed as in the same status as insurance policies.
(*“Uniform Simultaneous Death Act” added 12-8-1976 by O-11964 N.S.*)

§24.0715 Continued Health Coverage

Any surviving spouse eligible for death benefits pursuant to Sections 24.0705, 24.0706, 24.0709, 24.0710, 24.0710.1, 24.0710.2 and 24.0710.3 shall be entitled to continued health coverage as provided in California Labor Code Section 4856 and may be entitled to additional benefits to the extent provided by Section 24.1201.
(*Renumbered from Division 7A on 6-19-2000 by O-18815 N.S.*)

§24.0716 Retiree Death Benefit

This System is liable for a retiree’s death benefit if the deceased was a retired Member of the City Employees’ Retirement System and if his death occurs after the effective date of this Ordinance.
(*Renumbered from Sec. 24.0714.1 and amended 6-19-2000 by O-18815 N.S.*)

§24.0717 Retiree Death Benefit — Amount Of

The retiree’s death benefit shall consist of \$2,000.00 payable in lump sum to the designated beneficiary or the estate of the retiree. In the event that there is no designated beneficiary or the estate is not so designated, payment of the retiree’s death benefit shall be made in accordance with the provision of Sections 24.0711 through 24.0714.
(*Renumbered from Sec. 24.0714.2 on 6-19-2000 by O-18815 N.S.*)

